

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ROBERT POLLAS,	:	
	:	
Plaintiff,	:	22-CV-10207 (PGG) (OTW)
	:	
-against-	:	<u>ORDER</u>
	:	
UNITED PARCEL SERVICE, INC.,	:	
	:	
Defendant.	:	
	:	
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ONA T. WANG, United States Magistrate Judge:

On June 16, 2023, the Court extended *pro se* Plaintiff's time to file an amended complaint *nunc pro tunc* to August 25, 2023. (ECF 23). To date, Plaintiff has not filed an amended complaint or had any other communication with the Court. Consequently, the only defendant in this action is United Parcel Service, Inc. ("UPS").

Defendant UPS timely removed this action on the basis of diversity jurisdiction December 1, 2022. (ECF 1). Plaintiff filed a motion to remand on December 23, 2022. (ECF 8). Mr. Pollas is a citizen of New York. UPS is a corporation incorporated in Ohio with its principal place of business in Atlanta, Georgia. Accordingly, for the purposes of diversity jurisdiction, Plaintiff and Defendant are citizens of different states. Because complete diversity exists between the parties, and the amount in controversy exceeds \$75,000, this Court has jurisdiction over this action. (*See* ECF 1; 28 U.S.C. §§ 1332, 1441, and 1446). Accordingly, this action was properly removed. Plaintiff's motion to remand (ECF 8) is **DENIED WITHOUT PREJUDICE**.

As the Court noted in its June 16, 2023 Order (ECF 23), if Plaintiff amended his complaint to add his coworkers as defendants, this Court would no longer have diversity jurisdiction over the case and the case would be remanded back to state court. (*See also* ECF 19); *Owen Equip. & Erection*

Co. v. Kroger, 437 U.S. 365, 373 (1978) (“[D]iversity jurisdiction does not exist unless each defendant is a citizen of a different State from each plaintiff”). Because Plaintiff has not filed an amended complaint, the Court cannot remand the action at this time. If Plaintiff wishes to file an amended complaint, he must do so **on or before September 20, 2023**.

Defendant is directed to serve a copy of this Order on the *pro se* Plaintiff and file proof of service on the docket.

The Clerk of Court is respectfully directed to close ECF 8.

SO ORDERED.

Dated: August 30, 2023
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge